

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

LINDA MILLER,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	5:04CV347 (DF)
	:	
DOLGENCORP, INC. d/b/a/ DOLLAR	:	
GENERAL & CHRIS PEUGH,	:	
	:	
Defendants.	:	

ORDER

Plaintiff, who is a citizen of the State of Georgia, brought this action in the Superior Court, Butts County, Georgia. On October 14, 2004, Defendant Dolgencorp properly removed the action to this Court within thirty days of receiving a summons. Dolgencorp is a corporation registered in Kentucky and maintaining its principal place of business in Tennessee. At the time of removal, Defendant Peugh, who is a citizen of the state of Georgia, had not been served. Thus, there was diversity between the parties sufficient to confer jurisdiction upon this Court pursuant to 28 U.S.C.A. § 1332 (West 1993). Defendant Peugh having now been served, diversity is destroyed and this Court no longer has subject matter jurisdiction over this matter. Consequently, as is required when subject matter jurisdiction no longer exists, this case “shall be remanded” to the court from which it came. 28 U.S.C.A. § 1447(c) (West 1993).

SO ORDERED, this 22nd day of April, 2005.

s/ Duross Fitzpatrick

DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

DF/has